

Applicant elects the claims of Group I with traverse.

Applicant asserts that the Examiner has not set forth a materially different process from that claimed in the claims of Group II. Instead, the Examiner has set forth that the process claimed in the claims of Group II is materially different if its steps, reagents, and reaction parameters are varied. However, this is not seen to be a materially different process since it is based on the claimed process. Accordingly, applicant respectfully requests that the Examiner strongly reconsider and withdraw the aforementioned restriction requirement.

Additionally, the Examiner stated that applicant is required to elect a single disclosed species. In response, applicant elects, with traverse, the second compound recited in "Preparation O", page 127, of the subject application, namely 4-chloro-2-(4-chloro-2,6-dimethyl-phenoxy)-3,6-dimethyl-pyridine. Applicant traverses the requirement to elect a single disclosed species because applicant should not be limited to a single compound in a single application. Rather, applicant submits that the Examiner should follow the process set forth in the MPEP whereby an Examiner examines additional species should the elected species be deemed allowable.

Should a telephone interview be of assistance in advancing the prosecution of the subject application, the Examiner is kindly invited to telephone applicant's undersigned attorney at the number provided.

No fee, other than the fee for the five month extension of time, payment of which is authorized in the Petition filed herewith, is believed necessary in connection with filing this Communication. However, if any other fee is determined necessary in connection with filing this Communication, such additional fee may be charged to Deposit Account No. 16-1445.

Respectfully submitted,

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